



Jim Doyle, Governor
Mary P. Burke, Secretary

Wisconsin Department of Commerce, Bureau of PECFA

Bid Document

SECTION 1 - Scope of Work

The Bureau of PECFA is seeking competitive bids to perform remedial services for a petroleum release from a regulated petroleum product storage tank system. This bid is for a specified work scope. The site upon which bids are being solicited is:

Bid Round: 43
Comm #: 54660-6801-70
BRRTS #: 03-42-001035
Site Name: Lyle's Spur Service
Site Address: 14670 State Hwy 131, Tomah, WI 54660
Site Manager: Tom Kendzierski
Address: 1300 W Clairemont Ave
City, State Zip: Eau Claire, WI 54702-4001
Phone: 715-839-1604
e-mail: <mailto:thomas.kendzierski@wisconsin.gov>
Bid Manager: David Swimm
Address: 201 W Washington Ave
City, State Zip: Madison, Wisconsin 53708-8044
Phone: (608) 264-8766
e-mail: <mailto:david.swimm@wisconsin.gov>

Bid-Start Date:	May 15, 2006
Questions must be received by (See Section 2 (C)):	May 29, 2006, 4:00 PM
Responses will be posted by (See Section 2 (C)):	June 16, 2006
Bid-End Date and Time:	June 30, 2006, 4:00 PM

The case file, including report(s) and other pertinent information upon which bids are being sought, are available for review at the Site Manager's location listed above. Please contact the Site Manager for an appointment to review the file.

Copies of report(s) and other pertinent information are available for purchase at the location listed below. If pertinent information is not available, please contact the Site Manager.

Quality Quick Print, 1213 Menomonie St, Eau Claire, WI 54703

Phone: (715) 836-0049

Fax: (715) 836-7704

SECTION 2 – Site-Specific Bid Requirements

A) Bid Manager Comments

1) General Comments:

Important Note:

Work under this bid specification will not be conducted for the current Responsible Party (RP) (Lyle and Rosemary Kuhl). The property is currently for sale. This bid specification is being provided at this time so that a budget will be available to the next RP. Consequently, Commerce will not send a Notice of Intent correspondence concerning the associated bid cap until the new RP has provided appropriate notification to Commerce (i.e., change of RP).

Geology in the Tomah area is sand over a highly irregular surface of weathered sandstone over sandstone. There is little natural restriction to downward or lateral migration of contaminants. Most sites in the area demonstrate a significant downward distribution of contamination and negative heads in piezometers.

The south side of Tomah has seen the shutdown over time of three municipal wells due to MCL exceedances of Benzene and Ethylene Dibromide.

Tomah Municipal Well 8, the nearest of these contaminated municipal wells is within 1400 feet northwest of the Lyle's Spur site.

Due to the coexistence in area samples of Benzene with Ethylene Dibromide and detects of 1,2 DCA, we conclude that the source of contamination to these wells is old leaded petroleum releases and not an agricultural source for the EDB

EDB is a significant concern for sites in this area as it poses difficulties in treatment of water for potable uses.

WDNR hired MWH Americas to conduct an inventory of potential contamination sources to the south side Tomah municipal wells and to provide modeling estimates of the influence of the municipal wells on the local aquifer over time. This study concluded that the source of contamination Municipal Well 8 may be to the east or southeast of Well 8. A total of three known and one additional reported site, including Lyle's Spur, are located in that quadrant according to the WDNR/MWH study.

In a second phase, WDNR will continue to investigate and evaluate aquifer characteristics and contaminant distribution in the vicinity of Tomah Municipal Well 8.

To date, there is no direct evidence that any single site in this southeast quadrant area has contributed contamination to Well 8. The City hopes to rehabilitate and possibly reopen Well 8.

Based on the MWH study, WDNR considers risk for all sites southeast of Tomah Well 8 to be high regardless of distance. For sites in this southeast quadrant, the risk considerations and technical feasibility for remedies in NR 722 apply, active remedies are required and the feasibility of Natural Attenuation or Institutional Controls as a final remedy at closure may be limited by these risk considerations

The original phase of investigation of this site was not satisfactory. The original consultant, Agenda, is no longer doing business in Wisconsin. A different, current PECFA consultant repaired, provided some confirmation, and added to the original

investigation. Some additional confirmation and definition of the work to date is required and noted in this bid spec.

Bidders are encouraged to read and review the documentation at the Copy Shop. Any additional investigative work beyond the bid spec that bidders feel may be necessary to assure the integrity of their bid should be included and noted in the bid response.

2) Minimum Remedial Requirements:

Additional Well Installations

Install one two-well piezometer nest north of the source area at a location that is 90 feet north of MW-3. The piezometer shall be installed to a depth of 60 feet below ground surface (bgs). The boring for the piezometer will be sampled for field screening and soil description every 5 feet starting at 20 feet to EOB. (8 total). The water table well shall be installed with no sampling (blind drilling). No laboratory soil samples will be collected from either boring. Survey the new wells into the well network. Dispose of generated waste. Bidders shall include in their costs all necessary drilling techniques to advance the boring to total depth. Note: METCO used air rotary to install P-8.

Active Treatment System Installation and Operation

Install an Air Sparge/Soil Vent (AS/SVE) System to treat the area within the 1,000 ppb benzene contour (target area) as shown on METCO's January 9, 2003 isoconcentration map. Install air sparge wells with top of screens at 5 feet below low water in source area (MW1/MW2). For the purposes of the bid assume four air sparge wells and a sufficient number of soil vent wells to collect all the vapors produced by the sparge system. One of the borings for the sparge well installations will be sampled for field screening and soil description every 5 feet starting at 15 feet to EOB. Operate the system for one year. Include the cost for all utilities in your bid. Dispose of generated waste.

Bidders shall include in their bid response a map showing the location of the sparge and vent wells along with your estimate of the radius of influence for both types of wells.

Note to bidders: In addition to the assurance performance check box, the above information must be provided with your bid response to be determined compliant.

Groundwater Sampling

Thirteen rounds of water level and analytical sampling rounds from all the wells. Provide the first round before AS/SVE system operation. Conduct four quarterly rounds during operation of the system, and two years (eight quarterly rounds) following system shut-down. Dispose of all generated waste.

All groundwater sample rounds shall include sampling with an EPA method capable of quantifying EDB and 1,2 DCA at or below the NR140 Enforcement Standards (Method 504). Method 504 may be modified to a less expensive test, if warranted and DNR Project Manager approves. For the purposes of the bid, bids shall provide costs for using Method 504 for all thirteen rounds of monitoring well sampling.

Sample the on-site potable well and the Clay Farm private well by the water supply method (524.2) bi-annually for three years (six rounds starting with the pre-remedial sample round). The Clay Farm is immediately north of Lyles per

METCO's report. Method 524.2 may be modified to a less expensive test, if warranted and DNR Project Manager approves. For the purposes of the bid, bids shall provide costs for using Method 524.2 for all six rounds of potable well sampling.

Reporting

Any detection of a contaminant in the Clay Farm well or the on-site potable well shall be reported immediately to the WDNR project manager. Report to the WDNR Project Manager with a brief note or phone message and include a copy of the lab slip by e-mail or fax.

Brief Remedial Action Report after the AS/SVE is installed. This report shall include the well installation information, initial system start-up data, and the pre-remedial round of groundwater and water level information including a groundwater flow map. This report shall also include two cross sections that combine information from existing borings and the newly installed borings. This report shall include an updated water level summary table that includes all historical results, a table of vertical gradients that includes all historical results, and a groundwater contaminant summary table that includes all historical results

Quarterly letter reports with table and graphical updates including air and well monitoring results. Annual status report and system performance analysis (first year, natural attenuation monitoring end of second and third years).

Brief RA report after AS/SVE is installed. Quarterly letter reports with table and graphical updates including air and well monitoring results. Annual status report and system performance analysis (first year, natural attenuation monitoring end of second and third years).

Closure (Contingency)

While this bid is not a bid to closure, there is a possibility of attaining closure at the conclusion of the second year of natural attenuation monitoring. If closure is warranted at that time and is consistent with the requirements of ch. NR 726, Wis. Adm. Code, a recommendation to this effect should be provided in the last annual status report.

If the DNR project manager concurs, Commerce will modify the bid cap for the closure-related contingency closure costs. Bid responses will include a separate contingency costs for preparing and submitting a complete closure report, GIS Registry packet, and any required deed restrictions, separate costs for monitoring well abandonment, and separate costs for the AS/SVE system abandonment.

Claim Submittal

Assume one claim after submittal of the Remedial Action Report and one at the end of the second year of natural attenuation monitoring.

3) Reporting Timeframes:

Within *60 days* of the Commerce notification of the maximum reimbursement amount, the responsible party (RP) must execute a written contract with one of the firms that submitted a bid. Failure to execute the written contract within this time will result in ineligibility of interest expenses incurred from the date of the reimbursement cap letter until a contract is executed and work commences at the site. Work must commence within *45 days* of signing a contract. There are specific reporting requirements in Comm

47.70 to monitor the progress of activities at each bid site and there maybe additional reporting requirements outlined above. The consulting firm that is contracted to complete the scope of work is required to report the progress of this site to Commerce electronically on the web site at each of the following points:

1. Within fourteen days of executing or terminating a contract with the RP.
2. Three months after entering into the contract with the RP.
3. Twelve months after beginning the work in the successful bid, unless the project is completed before that time (point 6 applies).
4. Twelve months after submitting the previous report (point 3), unless the project is completed before that time (point 6 applies).
5. No later than 10 days after encountering a change in circumstances (the list of circumstances is in Comm 47.70 (3)).
6. No later than 30 days after completing the work.
7. As directed by Commerce.

If Commerce determines that the consulting firm is failing to make adequate progress to complete the scope of work, Commerce will notify the RP and may reduce the reimbursement to accurately reflect the work completed.

4) Claim Submittal:

A claim must be submitted to Commerce within 120 days of submitting the report described in *Reporting Timeframe, point #6*. If a claim is not submitted by the deadline described above, interest costs from the date the report (point #6) is submitted to the date the claim is receive will not be reimbursed to the claimant. Claim preparation costs must be included in the Total Bid Amount and is considered within the reimbursement cap.

B) Questions and Answers

Questions, answers and interpretations will be considered an amendment of this solicitation. All questions must be submitted in writing (fax and electronic mail submittals are acceptable) to the Bid Manager identified in Section 1 of this solicitation. All answers and interpretations shall be in writing from the Bid Manager. Neither the PECFA program nor Commerce shall be legally bound by any amendments or interpretations that are not in writing. Bidders are not to contact other personnel located within the Department of Commerce/Bureau of PECFA concerning the site or the bid solicitation between the Bid Announcement Date and Bid End Date. No further questions will be addressed after the deadline for submitting questions identified in Section 1.

SECTION 3 - Conditions of Bid

The successful bidder will be the entity that complies with all provisions of the bid and provides the lowest total cost, excluding interest, for the site-specific bid requirements described in Section 2. In preparing the bid, the bidder must assume compliance with all applicable codes, including, but not limited to, §Comm 46, §Comm 47, and §NR 700 Wis. Admin. Codes.

The bid Commerce selects to determine the least costly method of remedial action will be the least costly qualified bid. Commerce will rank the bids solely on the basis of cost. Evaluation of bids will continue until the least costly qualified bid is identified.

Submittals from an individual or firm during their period of disqualification from bidding, submittals received late and for submittals without a certified commitment (performance assurance and/or signature) will not be considered as bids. Commerce may disqualify a bid for the following reasons:

- Requirements of the bid specifications have not been met.
- The remedial strategy is not appropriate to the geologic setting.
- A Total Bid Amount is insufficient to fund the activities described in the bid specifications.

Commerce reserves the right to reject any and all bids.

Any proposed technology or methods used in the remediation must be allowed for use in the State of Wisconsin and approvable by the agency with jurisdiction (Natural Resources or Commerce).

The bidder Commerce intends to select may be required to provide input to and attend a meeting with the PECFA program and the claimant to explain the bid and remedial approach.

If a bid is disqualified, Commerce will provide written notification to any individual or firm that submitted a disqualified bid. The notification shall specify the reasons for the disqualification, and inform the individual or firm of their right to protest or appeal the decision. If a bid is more costly than the bid Commerce intends to select, the bid will not be reviewed.

The *Notice of Intent* will identify the least costly bid, disqualified bid(s) and bid(s) not reviewed. The *Notice of Intent* will be sent to the RP and will be posted on PECFA's Internet Web site.

SECTION 4 - Instructions to Bidders

Between the bid start and end dates, bidders shall not discuss or attempt to negotiate any aspects of the bid with the RP, other potential bidders or program staff without prior approval of the Bid Manager identified in Section 1. Infractions will result in rejection of the violator's bid and may result in a formal complaint being filed with the Department of Regulation and Licensing.

If access to the site is necessary for the preparation of a bid, access shall be arranged through the Bid Manager. If the Bid Manager is not able to arrange site access, this will not delay the bid process nor negate the comparison and selection from among the bids submitted. All costs associated with a site visit or preparation of a bid will be the bidder's responsibility.

The Bidding Process must conform to the following:

1. The Bid Response shall address all the site-specific bid requirements identified in Section 2.
2. The total bid amount to accomplish the stated goal must include all fees, reporting costs, pre- and post-closure costs and costs for establishing restrictions or institutional controls, when applicable (interest costs are excluded).
3. The submittal must include a copy of the Bid Response document signed by a Professional Engineer, Professional Geologist, Hydrologist or Soil Scientist licensed by the State of Wisconsin. The appropriate registration number of the

professional license must be included. Registration requirements are listed in Comm 5.

4. Bids *cannot* be faxed directly to the program. Documents received by fax will not be considered.
5. Bids, amendments thereto or withdrawal requests must be received by 4 pm on the bid end date.
6. The consulting firm's name must be included and all pages of the Bid Response.
7. All costs must be printed (ink, typewritten or computer). Errors must be crossed out, corrections entered and initialed by the person signing the bid. Correction fluid is not allowed. No bid shall be altered or amended after the time specified for the bid end date.
8. Each bidder shall fully acquaint themselves with conditions relating to the scope and restrictions attending to the execution of the work under the conditions of this bid. The failure of a bidder to acquaint themselves with existing documented conditions shall in no way relieve any obligation with respect to this bid.
9. All amendments to and interpretations of this bid shall be in writing from the Bid Manager. Neither Commerce nor the program shall be legally bound by any amendment or interpretation that is not in writing.
10. This bid is intended to promote competition. If the language, specifications, terms and conditions, or any combination thereof restricts or limits the requirements in this bid to a single source, it shall be the responsibility of the interested bidders to notify the program in writing so as to be received five days prior to the opening date. The bid may or may not be changed; however a review of such notification will be made prior to award.

SECTION 5 - Bidder Disqualification

Commerce may disqualify from public bidding any individual or firm that has committed any of the following (Comm 47.67 (1) (a)):

- 1) Failed to complete the scope of work within the reimbursement cost cap established through public bidding.
- 2) Failed to complete the scope of work in a bid in a timely manner.
- 3) Failed to follow DNR rules on the bid project.
- 4) Received one or more notices from Commerce under s. Comm 47.62 (2) that assess the financial management of an investigation as unacceptable.
- 5) In any prior occurrence that has been publicly bid, failed to do either of the following:
 - a. Pay subcontractors after receiving payment for them.
 - b. Obtain lien waivers on or before the date of the final payment by the RP or the PECFA program, from all subcontractors paid under subd. 5. a.
- 6) Failed to execute a contract with the RP as required in s. Comm 47.69 (1).
- 7) Failed to commence work within 45 days after executing a contract, as required in s. Comm 47.69 (3).

Commerce may disqualify any individual or firm from performing further work on a project if the individual or firm has not completed any of the six reporting points required in Comm 47.70 and outlined in Section 2 of this bid document. Commerce will review and address the issue as stated in Comm 47.70 (4).

BID RESPONSE
(1st Page)

Department of Commerce PECFA Program

SITE NAME:
COMMERCE #:
BRRTS #:

Submit Bid Response To: Cathy Voges
Public Bid Response
Department of Commerce PECFA Bureau
201 W Washington Ave, Madison WI 53703-2790 or
PO Box 8044, Madison WI 53708-8044

Consulting Firm Name: _____

Address: _____

Telephone: () - _____

Fax Number: () - _____

E-mail Address: _____

Bidder (check one that applies):

<input type="checkbox"/>	Professional Engineer	License # _____
<input type="checkbox"/>	Professional Geologist	License # _____
<input type="checkbox"/>	Hydrologist	License # _____
<input type="checkbox"/>	Soil Scientist	License # _____



Use this box to certify (by marking with a check or X) a commitment to complete the work described in the bid specifications in its entirety for the Total Bid Amount proposed above. Failure to provide this performance assurance will disqualify this bid response. Providing unsolicited qualifications and/or contingency statements in your bid submittal will disqualified the bid response.

Total Bid Amount: \$ _____

Print Name: _____

Title: _____

I certify that I have the authority to commit my organization or firm to the performance of the bid I have submitted.

Signature: _____

Personal information you provide may be used for secondary purposes [Privacy Law, s. 15.04(1)(m)].

BID RESPONSE
(2nd Page)

Department of Commerce PECFA Program

SITE NAME:
COMMERCE #:
BRRTS #:

Consulting Firm Name: _____

A bid will be considered to be non-complaint if the bid response does not include separate tabulation of cost for each activity.

Install new piezometer nest, survey new well(s) into network, dispose of generated waste. Collect initial pre-system groundwater sample round and report.	\$	
Install AS/SVE system and operate for one year, includes but is not limited to all utility costs and waste disposal	\$	
Collect one year of quarterly groundwater samples (4 rounds) concurrent with AS/SVE operation, report quarterly and annually, and dispose of all generated waste.	\$	
Collect two years of quarterly groundwater samples (8 rounds) after shut down of AS/SVE operation, report quarterly and annually, and dispose of all generated waste.	\$	
Two claim submittals	\$	
Total Bid Amount (sum) – also include on Page 1	\$	
Contingency cost for operation of the AS/SVE system for six additional months, including all utility costs, reporting and waste disposal.	\$	
Contingency cost for two additional rounds of groundwater sampling concurrent with extra six months of AS/SVE operation.	\$	
Contingency cost for all closure related costs excluding well and AS/SVE system abandonment. Includes but is not limited to GIS Registry, deed restriction, and all other closure related activities.	\$	
Contingency cost for monitoring well abandonment	\$	
Contingency cost for AS/SVE system abandonment, including air sparge and soil vent wells.	\$	